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Additional Punishment for Habitual Criminals.—The state of West Virginia has a statute providing in substance that when a prisoner is received at the penitentiary after sentence it shall be the duty of the penitentiary superintendent to give information without delay to the circuit court of the county in which the penitentiary is located of facts showing that the prisoner has formerly been an inmate under conviction of a different crime, and that proceedings shall thereupon be taken to try the question of identity, and, if identity be proven, certain additional punishment shall be meted out. In the case of *Graham v. West Virginia*, 32 Supreme Court Reporter, 583, Graham appeals from a judgment affirming the sentence for life imposed on a third conviction under the law set out above. Various constitutional objections are urged against the validity of the statute, but it is upheld by the United States Supreme Court as being entirely valid.

Note.—It would be well if our statute were re-enacted to conform to this West Virginia statute. Under the present act in this state, it must be alleged in the indictment on which the habitual criminal is convicted and admitted, or by the jury found, that the accused had before been sentenced to a like punishment, and it is well known that such knowledge is not often possessed by the prosecuting attorney, for he has no certain way of obtaining it, so that the commonwealth rarely derives any benefit from this wise and salutary provision. It is at the penitentiary that recognition of a former inmate is inevitable, but in Virginia it is then too late, for with us this cumulative punishment is merely auxiliary to the punishment assessed in the main prosecution. The fact of being an habitual criminal should be made with us a distinct offense as in West Virginia, and capable of being indicted and tried separately and apart from the other proceeding.

Sterilization by Vasectomy.—On the theory that modern scientific investigation shows that idiocy, insanity, imbecility, and criminality are congenital and hereditary, several states (vide, Washington, California, Connecticut, Indiana, and Iowa) have recently enacted laws providing for the sterilization of insane habitual criminals, etc. In the enforcement of these statutes vasectomy seems to be a common operation. The constitutionality of the Washington statute has been lately passed upon in the case of *State v. Feilen*, 126 Pacific Reporter, 75. Defendant was convicted of statutory rape committed upon a female child under the age of 10 years, and sentenced to imprisonment for life, and that an operation be performed upon him for the prevention of procreation. The question presented for the Supreme Court's consideration is whether such an operation must be judicially declared a "cruel punishment" forbidden by the Constitution. To begin with, what is "cruel punishment?" In looking back, the history of our law tells us of the terrible punishment visited by the ancient law upon convict criminals which to our days of advanced Christianity are both shocking and heartrending. In